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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,486

10/25/2005

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EXAMINER

HEINRICH, SAMUEL M

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

01/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,486	Applicant(s) SCHAEDT, JOHANNES GEORG	
	Examiner Samuel M. Heinrich	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 describes "said substrate is aspirated", but this is not a clear description of holding the substrate against a bottom wall of the aspiration box.

Claim 2 describes "evacuate the cut part by aspiration" which is not a clear description.

Claim 9 describes "air under depression" which is not idiomatic language.

Claim 10 describes "evacuated by aspiration" which is not a clear description.

The dependent claims contain the unclear language of the base claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,039,799 to Stumpf in view of USPN 6,864,190 to Han et al in view of USPN 6,823,763 to Foster et al in view of USPN 6,907,798 to Ganser et al.

Stumpf describe XY translation laser cutter and aspiration or vacuum holding table.

Han et al describe (Figure 2) laser fabrication using a fastener 203 which holds workpiece 200 against holder 202.

Foster et al describe vacuum plenum 610 which is used to transport workpieces in a laser cutting system.

Ganser et al describe (column 4, lines 25-35) laser cutting with elements falling into a container.

The instant claimed aspiration means and evacuation means would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art in combination with an XY laser cutting means in order to positively fixture the workpiece and to efficiently remove cut elements.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,039,799 to Stumpf in view of USPN 6,864,190 to Han et al in view of USPN 6,823,763 to Foster et al in view of USPN 6,907,798 to Ganser et al as applied to claim 3 above, and further in view of USPN 4,527,042 to Shinohara et al.

Shinohara describe glass window 20 through which laser 15 is irradiated against a workpiece. The use of a glass window in a vacuum work fixture would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art in order to separate the laser apparatus from the laser beam work spot.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,039,799 to Stumpf in view of USPN 6,864,190 to Han et al in view of USPN 6,823,763

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to Foster et al in view of USPN 6,907,798 to Ganser et al as applied to claim 1 above, and further in view of USPN 5,337,639 to Morrison.

Morrison pertains to laser cutting and Morrison describes (column 1, lines 59+) well known bar and grippers which pull work through stations on a continuous chain and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art for continuous process operation.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,039,799 to Stumpf in view of USPN 6,864,190 to Han et al in view of USPN 6,823,763 to Foster et al in view of USPN 6,907,798 to Ganser et al as applied to claims 1 and 9 above, and further in view of USPN 6,343,639 to Kaye et al.

Kaye et al describe (e.g., Abstract) well known forming station and subsequent lay-up station to form a laminate and the use of these two stations, or units, would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art in order to rapidly process raw work pieces into finished product.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel M Heinrich/
Primary Examiner, Art Unit 3742